

Message Text

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TO AMEMBASSY MEXICO IMMEDIATE

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E.O. 11652:GDS

TAGS: SNAR, ENV, MX

SUBJECT: PARAQUAT, NARCOTICS PROGRAM, LEGAL AND
ENVIRONMENTAL ISSUES

REF: LUCEY-ARELLANO TELCON OF MARCH 27, 1978

1. THE NATIONAL ORGANIZATION FOR THE REFORM OF MARIJUANA
LAWS (NORML) HAS FILED AN ACTION IN THE U.S. DISTRICT
COURT FOR THE DISTRICT OF COLUMBIA AGAINST THE DEPARTMENT
OF STATE, THE AGENCY FOR INTERNATIONAL DEVELOPMENT, THE
DRUG ENFORCEMENT ADMINISTRATION AND THE DEPARTMENT OF
AGRICULTURE, ALLEGING THAT "THE DEFENDANTS ARE IN VIOLATION
OF SECTION 102 (2)(C) OF NEPA BY FAILING TO PREPARE,
CIRCULATE FOR COMMENT, AND CONSIDER AN ENVIRONMENTAL IMPACT
STATEMENT FOR THE HERBICIDE SPRAYING PROGRAM IN MEXICO. AS
A RESULT, PLAINTIFF AND ITS MEMBERS HAVE BEEN DEPRIVED OF
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THE INFORMATION A PROPERLY PREPARED IMPACT STATEMENT WOULD
CONTAIN, DEPRIVED OF THEIR RIGHT TO SUBSTANTIVELY AFFECT
THE DECISION MAKING PROCESS, AND DEPRIVED OF AN INFORMED
AGENCY DECISION BASED UPON A 'HARD LOOK' AT THE
CONSEQUENCES OF AND ALTERNATIVES TO THE SPRAYING PROGRAM."
IN THE PRAYER FOR RELIEF, NORML REQUESTS THE COURT TO
"ISSUE AN INJUNCTION REQUIRING THE DEFENDANTS TO PREPARE,

CIRCULATE AND CONSIDER AN ENVIRONMENTAL IMPACT STATEMENT

FOR THE HERBICIDE SPRAYING PROGRAM IN MEXICO; AND ENJOINING THE DEFENDANTS FROM EXPENDING ANY FUNDS, OR PROVIDING ANY OTHER ASSISTANCE TO THE SPRAYING PROGRAM, UNTIL NEPA HAS BEEN FULLY COMPLIED WITH INCLUDING THE PREPARATION AND CONSIDERATION OF AN ENVIRONMENTAL IMPACT STATEMENT." IT ALSO TASKS THE COURT TO "ISSUE AN INJUNCTION REQUIRING THE DEFENDANTS TO INFORM THE GOVERNMENT OF MEXICO THAT AN ENVIRONMENTAL IMPACT STATEMENT IS BEING PREPARED, AND DIRECTING THE DEFENDANTS TO USE 'THEIR BEST EFFORTS' TO CONVINCE THE MEXICAN GOVERNMENT TO CALL A MORATORIUM ON THE SPRAYING OF HERBICIDES UNTIL ALL OF THE CONSEQUENCES OF THE PROGRAM HAVE BEEN FULLY ASSESSED IN AN ENVIRONMENTAL IMPACT STATEMENT." FURTHER THE COURT IS REQUESTED TO "ISSUE AN INJUNCTION REQUIRING THE DEFENDANTS TO PREPARE A PROGRAMATIC ENVIRONMENTAL IMPACT STATEMENT FOR ALL PROGRAMS TO ERADICATE ILLEGAL CROPS; AND RESTRAINING THE DEFENDANTS FROM ASSISTING IN ERADICATING THESE CROPS UNTIL PROGRAMATIC ENVIRONMENTAL IMPACT STATEMENT IS PREPARED AND CONSIDERED."

2. AS YOU KNOW, FOR THE LAST THREE YEARS WE HAVE PROVIDED SUPPORT TO MEXICO IN THE FORM OF HELICOPTERS AND TECHNICAL ASSISTANCE FOR AN ERADICATION PROGRAM AGAINST OPIUM POPPIES USING THE HERBICIDE 2, 4 D. IN THE OFF

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SEASON FOR OPIUM THE MEXICANS HAVE USED THE HELICOPTERS TO ERADICATE MARIJUANA USING PARAQUAT PURCHASED IN EUROPE WITH MEXICAN FUNDS. LAST SUMMER A QUESTION WAS RAISED CONCERNING THE POSSIBLE HEALTH HAZARD POSED TO AMERICAN MARIJUANA SMOKERS BY PARAQUAT CONTAMINATED MARIJUANA IMPORTED FROM MEXICO. AT THAT TIME, ODAP ASKED HEW, DEA, AND CUSTOMS TO CONDUCT VARIOUS STUDIES TO DETERMINE IF ANY REAL PROBLEM EXISTED. TWENTY ONE PERCENT OF THE SAMPLES SEIZED COMING OVER THE MEXICAN BORDER WERE CONTAMINATED WITH LEVELS OF PARAQUAT RANGING FROM THREE PARTS PER MILLION TO 2,264 P.P.M. ANALYSIS OF SMOKED MARIJUANA SHOWED THAT SOME LUNG DAMAGE COULD OCCUR IN PERSONS WHO SMOKED THREE TO FIVE MARIJUANA CIGARETTES A DAY WITH HIGH CONCENTRATIONS OF PARAQUAT (450 P.P.M) OVER SEVERAL MONTHS.

3. BASED ON THIS EVIDENCE THE US GOVERNMENT DECIDED THAT IT HAD AN OBLIGATION TO WARN SMOKERS OF MARIJUANA OF THIS ADDITIONAL RISK OVER AND ABOVE ANY INHERENT HEALTH OR LEGAL DANGER THEY ALREADY FACED AND ASKED HEW TO ISSUE SUCH A WARNING.

4. THIS WARNING WAS ISSUED AND DULY NOTED BY THE PRESS IN THIS COUNTRY, RECEIVING SUBSTANTIAL COVERAGE. FOR EXAMPLE, MARCH 13 THE NEW YORK TIMES CARRIED AN EDITORIAL

ENTITLED "REEFER MADNESS." RELEVANT PORTIONS OF THE EDITORIAL READ AS FOLLOWS: "THE FEDERAL GOVERNMENT HAS FINALLY STUMBLED ON A WAY TO PERSUADE MARIJUANA USERS THAT POT IS DANGEROUS.

IT BEGAN SEVERAL YEARS AGO WITH A FEDERAL PROGRAM AIMED AT HEROIN. THE UNITED STATES GAVE MEXICO 40 MILLION DOLLARS TO BUY AIRCRAFT AND TRAIN PERSONNEL TO SPRAY KILLER CHEMICALS ON POPPY FIELDS, THE SOURCE OF MUCH OF THE HEROIN THAT ENTERS THE UNITED STATES. APPARENTLY ON
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THEIR OWN INITIATIVE THE MEXICAN ASSISTED BY AMERICAN FIELDS.

THE TROUBLE IS, THE HERBICIDE THE MEXICANS CHOSE TO USE AGAINST MARIJUANA IS PARAQUAT, A SUBSTANCE SO TOXIC ACCORDING TO THE LABEL THAT 'ONE SWALLOW CAN KILL'..." THE EDITORIAL CONTINUES: "PAST FEDERAL WARNINGS OF THE DANGER OF MARIJUANA HAVE BEEN BASED ON SLIM EVIDENCE BUT NOW THE GOVERNMENT HAS FULFILLED ITS OWN PROPHECY. THE DEPARTMENT OF HEALTH EDUCATION AND WELFARE WARNS THAT PERMANENT LUNG DAMAGE COULD RESULT FROM SMOKING THREE TO FIVE HEAVILY CONTAMINATED CIGARETTES A DAY FOR SEVERAL MONTHS. THUS, A PROGRAM DESIGNED TO PROTECT PEOPLE FROM THE SUPPOSEDLY HARMFUL EFFECTS OF MARIJUANA HAS SUCCEEDED IN PUTTING THEM AT FAR GREATER RISK.

TO DEMANDS FOR AN END TO THIS GOVERNMENT-SPONSORED "POISONING" THE STATE DEPARTMENT RESPONDS THAT THE MEXICAN CONTROL THE SPRAY PROGRAM, BUY THE HERBICIDES WITH THEIR OWN MONEY, AND MIGHT RESENT OUTSIDE INTERFERENCE. MOREOVER, SOME STATE DEPARTMENT OFFICIALS SEE NO REASON TO PROTECT AMERICANS WHO ARE USING A CONTRABAND SUBSTANCE JUST THE OTHER DAY, ONE OF THEM QUESTIONED 'WHETHER OUR ADMINISTRATION HAS A RESPONSIBILITY TO PROVIDE AN ILLICIT DRUG IN CLEAN, COMPLETELY HEALTHY CONDITION."

BUT IN FACT, THE UNITED STATES IS HELPING TO ADD A POISON TO THE DRUG. FORTUNATELY SURE FROM OTHER AGENCIES, STATE DEPARTMENT UNDER PRESSURE FROM OTHER AGENCIES, CONGRESS AND PRO-MARIJUANA GROUPS WILL COMMUNICATE THE LATEST HEALTH FINDINGS TO MEXICO AND PERHAPS URGE THE USE THIS CURE HAS BEEN WORSE THAN THE DISEASE."

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5. GIVEN THE EMOTIONAL RESPONSES WHICH ARE BEING GENERATED, THE DEPARTMENT, PARTICULARLY OES AND L, IS CONCERNED THAT IF THE SUIT IS TRIED AND WERE IT TO GO AGAINST THE USG A PRECEDENT COULD BE SET THAT COULD REQUIRE US TO

PREPARE ENVIRONMENTAL IMPACT STATEMENTS ON A WIDE RANGE OF US ACTIVITIES OVERSEAS. THE DEPARTMENT IS NOW ENGAGED IN AN INTER-AGENCY EFFORT TO CONSIDER THE FEASIBILITY OF DEVELOPING PROCEDURES WHICH WOULD CONSIDER ENVIRONMENTAL EFFECTS IN FOREIGN JURISDICTIONS OF FEDERAL AGENCY ACTIONS. THIS INITIATIVE IS EXPECTED TO TAKE AT LEAST SEVERAL MONTHS.

6. IN VIEW OF THE CONSIDERABLE RAMIFICATIONS OF AN ADVERSE DECISION, DR. PETER BOURNE, PRESIDENTIAL HEALTH ADVISOR, CHAIRED A MEETING AT THE WHITE HOUSE ON SATURDAY, MARCH 25TH TO DISCUSS THE STRATEGY TO BE FOLLOWED IN THIS CASE. REPRESENTED WERE ODAP, ARA, OES, S/NM, L, THE DEPARTMENT OF JUSTICE, AND HEW. IT WAS AGREED THAT WE SHOULD PURSUE DISCUSSIONS WITH GOM OFFICIALS AS TO WHAT WE CAN JOINTLY DO TO STRENGTHEN OUR LEGAL POSITION, BY PROVIDING EXAMPLES OF POSITIVE CONCERN AND ACTIONS TAKEN TO REDUCE ALLEGED ADVERSE ENVIRONMENTAL IMPACTS BROUGHT ABOUT BY THE HERBICIDE PROGRAM.

7. AN ENVIRONMENTAL IMPACT STATEMENT (EIS) ON THE SPRAYING PROGRAM IS LIKELY TO BE REQUIRED. THE DEPARTMENT MAY DECIDE TO PREPARE AN EIS TO EVIDENCE CONCERN ABOUT THE POTENTIAL ENVIRONMENTAL CONSEQUENCES. THE EIS WOULD DESCRIBE THE SPRAYING PROGRAM, CONSIDER ALTERNATIVE WAYS OF CONDUCTING IT AND ANALYSE THE ENVIRONMENTAL IMPACTS OF THE PROGRAM AND ALTERNATIVES. IT WOULD ALSO DESCRIBE POSSIBLE MITIGATING MEASURES OF POSSIBLE HARMFUL ENVIRONMENTAL IMPACTS. WE WOULD CONFINED THE EIS'S DISCUSSION OF ENVIRONMENTAL IMPACTS TO IMPACTS IN THE US, NOT MEXICO. BUT THE STATEMENT WOULD HAVE TO DESCRIBE

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THOROUGHLY THE SPRAYING PROGRAM IN MEXICO AND TO TRACK TO THE EXTENT POSSIBLE THE TRANSPORT OF THE HERBICIDE TO AND WITHIN THE US. THE STATEMENT WOULD DRAW UPON NIDA STUDIES OF HEALTH EFFECTS ON USERS OF MARIJUANA WHICH HAS BEEN SPRAYED WITH PARAQUAT. WE WOULD HOPE THAT MEXICAN AUTHORITIES WOULD COOPERATE WITH US IN OBTAINING INFORMATION ON THE CONDUCT OF THE PROGRAM IN MEXICO. WE

DO NOT BELIEVE THAT THE STUDY WOULD REQUIRE ANY NOTICE-
ABLE PRESENCE OF AMERICANS IN MEXICO.

8. THE POTENTIAL FOR MISCHIEF IN THIS SUIT IS CONSIDERABLE
AND DEPT. WOULD LIKE TO HAVE ARELLANO (ARA), DUGSTAD
(S/NM) AND OLSON (L) MEET WITH AMBASSADOR LUCEY TO BRIEF
HIM AND, ADDITIONALLY, ACCOMPANY HIM, AS APPROPRIATE,
TO MEETINGS WITH SENIOR MEXICAN OFFICIALS. IT IS IMPORTANT
THAT THERE BE A CONTINUITY OF INFORMATION IN WASHINGTON
REGARDING THE MEXICAN RESPONSE TO THIS PROBLEM; WE MAY
HAVE TO GO INTO COURT WITHIN THE NEXT TWO WEEKS, AT SUCH A
TIME GOVERNMENT LAWYERS WOULD LIKELY BE CALLED UPON TO
PRESENT INFORMATION COLLECTED IN MEXICO, INCLUDING UNDER-
STANDINGS REACHED WITH THE GOM RE THEIR WILLINGNESS TO
DEVELOP ENVIRONMENTAL ASSESSMENT. COOPER

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